

DECLARATION OF ROMMY H. REVSON UNDER 37 CFR § 1.132

I, Rommy H. Revson, hereby state and declare the following:

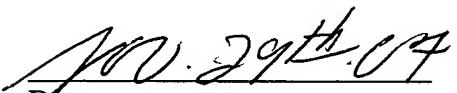
1. I reside at 13831 Quarter Horse Trail, Wellington, FL 33414.
2. I have been extensively involved in the fashion accessory industry for more than 20 years.
3. I am the inventor of at least eight (8) United States patents for fashion accessories including, *inter alia*, hair holding devices.
4. I am the inventor of the globally-recognized, fabric-covered, elastomeric hairband, "scrunchy", which has been recognized as an official word in the English language, as evidenced by its inclusion in the Random House Webster's Dictionary, Third Edition. The term, scrunchy, describes the inventions covered under three of my issued patents, U.S. Design Patent 292,030 (the "030 Patent"), U.S. Design Patent 356,393 and U.S. Design Patent 316,226.
5. In 1989 I initially granted L&N Sales and Marketing, Inc., then of Huntingdon Valley, PA, an exclusive right to make, sell and use the invention described under the 030 Patent. Altogether, I've been in the licensing world since 1989 and have licensed the patents, described in Paragraph 4, to at least eight different companies between the years 1989 and 2001. Two of the aforementioned eight companies, Claire's Stores and Goody Products, were at that time publicly traded.
6. In March 2005, L&N's hair accessory business was acquired by Conair Corporation ("Conair") of Stamford, CT. On information and belief, Conair continues to sell one or more of the inventions described under a least one of the three patents described in Paragraph 4.
7. Based on my information and belief, the scrunchy, since its inception in 1987, has become the most popular-selling hair accessory of all time, worldwide.
8. Based on my information and belief, annual wholesale revenues for the scrunchy described under the 030 Patent, alone, exceeded \$100 million in nearly each year between 1989 and 2001.
9. I am very familiar with hair holding devices, including spring-biased hair clips of the type having first and second pivotally connected body members biased toward one another by a spring and typically opened by a pair of handles that are squeezed by a user.
10. The hair holding devices described in Paragraph 9 suffer from the problem of slipping or falling from a user's hair. I have been aware of this problem for as long as I have been aware of the existence of such devices.

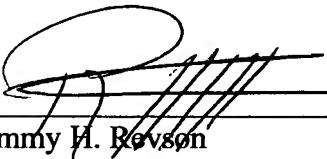
11. Prior and subsequent to inventing the scrunchy hairband I repeatedly tried and failed to produce a hair holding device of the type described in Paragraph 9 to overcome the problem therewith described in Paragraph 10.

12. I have reviewed and understand the invention described and claimed in United States Patent Application No. 10/763,846 ("'846 application").

13. Based on my review of the '846 application, I believe that a hair holding device constructed in accordance with the hair holding device as claimed in independent claim 1 of the '846 application, in particular -- a hair holding device having first and second body members pivotally connected via a hinge means, and a non-slip friction adjustment means coaxially arranged with respect to the hinge means -- would produce a hair holding device whose hair gripping portions would firmly engage and not slip or fall from a shock of hair, and therefore would solve the long-standing and notorious slippage problem described in Paragraph 10.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the '846 application or any patent resulting therefrom, declares that the facts set forth in this declaration are true; all statements made of her own knowledge are true; and all statements made on information and belief are believed to be true.


Date


Rommy H. Revson



DECLARATION OF MARY LAFACI UNDER 37 CFR § 1.132

I, Mary Lafauci, hereby state and declare the following:

1. I reside at 920 Spruce Street, Philadelphia, PA 19107.
2. I recently left the fashion accessory industry, an industry I was extensively involved in for more than fourteen (14) years.
3. I am the inventor of no fewer than two (2) published United States patent applications for hair holding devices.
4. I was employed by L&N Sales and Marketing, Inc. of Horsham, PA or its successors, including Conair Corporation of Stamford, CT (collectively referred to herein as "Conair"), for seven (7) years—from 2000 through 2007—most recently in the capacity of V.P. of Marketing.
5. My job responsibilities at Conair included design, product development and marketing of hair accessory products.
6. I am very familiar with hair holding devices, including spring-biased hair clips of the type having first and second pivotally connected body members biased toward one another by a spring and typically opened by a pair of handles that are squeezed by a user.
7. Conventional hair holding devices of the type described in Paragraph 6 are sub-optimal, because they fail to anchor hair as styled (whether in buns, gathered bunches, ponytails, loops or the like). As a result, said hair devices require continual readjustment by the user.

Gathered hair, like hair situated in a bun, comprises an external periphery (i.e., the surface that a device contacts) and an internal compressible, pliable, instable core of thousands of silky low-friction hairs likely to slip and slide past one another.

Hair holding devices of the type described in Paragraph 6 fail in one or both of the following ways to hold hair without requiring continual readjustment. First, said devices fail to create enough friction between themselves and the hair with which they come in contact (i.e., the external periphery of gathered hair). When this occurs, said devices slip from hair, sometimes falling completely out. Second, said devices fail to create enough friction between the surfaces of the individual hairs comprising the internal core of gathered hair. When this occurs, the hairs comprising the internal core slide outside of not only the core but also the hair device, typically causing the device to require readjustment in the hair. In other words, when this occurs, hair's own silkiness and weight cause it to slip passed itself and out of the device that once held it.

To reiterate, hair holding devices of the type in Paragraph 6 suffer from the problem of (a) hair's slipping past itself (because of the low coefficient of friction among individual strands of hair) to fall out of said devices and/or (b) said devices' falling from users' hair because of the low coefficient of friction between the surface of said devices and the surface of hair. I have been aware of these two problems for as long as I have been aware of the existence of such devices.

8. I have reviewed and understand the invention described and claimed in United States Patent Application No. 10/763,846 ("846 application") by Rogers et al.

9. Based on my review of the '846 application, I believe that a hair holding device constructed in accordance with the hair holding device as claimed in independent claim 1 of the '846 application would produce a hair holding device able not only to increase the coefficient of friction among the individual strands comprising gathered hair but also to increase the coefficient of friction between the surface of the invention and the surface of hair. As a result, the invention's hair gripping portions would solve not just one, but both, of the long-standing slippage problems described in Paragraph 7.

10. I invented a solution to one of the problems described in Paragraph 7. That solution consisted of providing one or both of (1) a plurality of bristle-like projections or (2) a high coefficient of friction layer on the hair engaging surfaces of the hair gripping portions of the first and second body members. Records of the U.S. Patent and Trademark Office indicate that my former employer filed two patent applications (U.S. Provisional Patent Application No. 60/592,224 and U.S. Patent Application No. 11/192,479) for my invention. The 11/192,479 application is attached hereto as Exhibit A.

11. Based on information and observation, I believe my former employer continues to sell hair clips comprising my invention, described under the 11/192,479 application. Further, I believe that these clips are commercially successful. I believe that such commercial success is due, in large part, to the presence of the high coefficient of friction layer which resists slippage of the devices from a user's hair.

12. I do believe that the utility and commercial success of all clips, including those employing my invention described under the 11/192,479 application, could be perfected with the addition of the invention described in Rogers's '846 application.

13. I believe the invention disclosed and claimed in Rogers's '846 application is the only hair device, of the type described in Paragraph 6, to provide an optimal solution for both of the long-standing and notorious slippage problems described in Paragraph 7. By enabling hair to be squeezed more tightly together than ever before, Rogers's invention makes it possible to increase the coefficient of friction not only between the surface of the invention and the hair it contacts but also among the individual strands of hair within a bunch of gathered hair.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the '846 application or any patent resulting therefrom, declares that the facts set forth in this declaration are true; all statements made of her own knowledge are true; and all statements made on information and belief are believed to be true.

12/18/07
Date


Mary Lafauci